

1 Gregory S. Dovel (State Bar No. 135387)
2 greg@dovellaw.com
3 Jeff Eichmann (State Bar No. 227472)
4 jeff@dovellaw.com
5 DOVEL & LUNER, LLP
6 201 Santa Monica Blvd., Suite 600
7 Santa Monica, California 90401
8 (310) 656-7066
9 (310) 656-7069 fax

10 Attorneys for Plaintiff

11 Abstrax, Inc.

12 Stephanie Wood (SBN 242572)
13 Stephanie.wood@novakdruce.com
14 NOVAK DRUCE + QUIGG LLP
15 555 Mission Street
16 Thirty-Fourth Floor
17 San Francisco, California 94105
18 Telephone: (415) 814-6161
19 Facsimile: (415) 814-6165

20 Thomas M. Dunham (*Pro Hac Vice*)
21 Thomas.dunham@novakdruce.com
22 J. Michael Woods (*Pro Hac Vice*)
23 Michael.woods@novakdruce.com
24 NOVAK DRUCE + QUIGG LLP
25 300 New Jersey Avenue
26 Fifth Floor
27 Washington, DC 20001
28 Tel: (202) 659-0100
Facsimile: (202) 659-0105

1 Attorneys for Defendant

2 Sun Microsystems, Inc.

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4 UNITED STATES DISTRICT COURT
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6 NORTHERN DISTRICT OF CALIFORNIA
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8 OAKLAND DIVISION

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10 ABSTRAX INC.,) Case No. 4:09-CV-5243-PJH
11 Plaintiff,)
12 vs.) **STIPULATED REQUEST TO**
13) **RESCHEDULE THE DEADLINE**
14) **FOR MEDIATION AND**
15) **[PROPOSED] ORDER**
16)
17) Judge: Hon. Phyllis J. Hamilton
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29 Pursuant to Civil L.R. 6-2, Defendant Sun Microsystems, Inc. (“Sun”) respectfully requests
30 that the Court reschedule the deadline for the parties to conduct mediation to October 29, 2010.
31 Plaintiff Abstrax, Inc. (“Abstrax”) stipulates to this request.

32 CIVIL ACTION NO.: 4:09-CV-5243-PJH
33 STIPULATED REQUEST TO RESCHEDULE THE DEADLINE FOR MEDIATION AND [PROPOSED] ORDER

In Pretrial Order No. 1, the Court specified that mediation “should take place within 30 days of the Court’s ruling on the discovery-related motions.” *See* Pretrial Order No. 1, Doc. No. 190. On August 3, 2010, the Court ruled on these discovery-related motions and granted Abstrax’s motion to compel production from Sun. *See* Order re Discovery Motions, Doc. No. 207.

In light of the Court's order, the parties are now conducting additional discovery related to Sun's CDT software tool including, an inspection of source code, document production, and depositions. However, the parties do not foresee completing this additional discovery prior to the Court's current deadline for mediation. The parties strongly believe that any mediation would be much more effective if the parties complete this additional discovery prior to the mediation.

Thus, Sun requests that the Court reschedule the deadline for conducting mediation to October 29, 2010.

Dated: September 1, 2010

By: /s/ *Stephanie Wood*
Stephanie Wood
NOVAK DRUCE + QUIGG LLP
Attorney for Defendant
SUN MICROSYSTEMS, INC.

By: /s/ John Jeffrey Eichmann
John Jeffrey Eichmann
DOVEL & LUNER, LLP
Attorney for Plaintiff
ABSTRAX, INC.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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3 Dated: September 1, 2010
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1 **CERTIFICATION BY STEPHANIE WOOD PURSUANT TO GENERAL RULE. NO. 45,**

2 **SECTION X, RE E-FILING ON BEHALF OF MULTIPLE SIGNATORIES**

3 1. I am an attorney licensed to practice law in the state of California, and an associate in the
4 law firm of Novak Druce + Quigg LLP, counsel for defendant Sun Microsystems, Inc. The statements
5 herein are made on my personal knowledge and if called as a witness I could and would testify thereto.

6 2. The above e-filed document contains multiple signatures. I declare that concurrence has
7 been obtained from each of the other signatories to file this jointly prepared document with the Court.
8 Pursuant to General Rule No. 45, I shall maintain records to support this concurrence for subsequent
9 production for the Court if so ordered, or for inspection upon request by a party until one year after final
10 resolution of the action (including appeal, if any).

12
13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct.

15 Executed this 1st day of September, 2010, at San Francisco, California.

17 /s/ Stephanie Wood

18 Stephanie Wood